APPENDIX.

44

Rehearings in Reviewing Court.

(1) A party desiring a rehearing in any cause in the Supreme Court shall within fifteen (15) days after the filing of the opinion file with the clerk and deliver to the official reporter a notice in writing of his intention to ask for a rehearing, and within twenty-five (25) days after the filing of the opinion he shall file with the clerk fifteen (15) copies of the petition, printed in accordance with Rule 40 with proof of service on opposite counsel, and deliver a copy thereof to the official reporter. The petition shall state briefly the points supposed to have been overlooked or misapprehended by the court, with proper reference to the particular portion of the original abstract and brief relied upon, and with authorities and suggestions, concisely stated, in support of the points. Arguments in support of the petition will not be permitted. Any petition violating this rule will be stricken.

(2) If a petition for rehearing shall be presented to one of the justices and he shall be of the opinion the case should be further considered by the court on such petition, he shall stay all further proceedings in the cause until the next term. Such application shall be presented, if practicable, to the justice who wrote the opinion.

(3) When a rehearing is granted the cause shall be placed at the foot of the docket for hearing. The original briefs of the parties, and the petition for rehearing, answer and reply, shall stand as briefs on the rehearing. The opposite party shall have 15 days from the granting of the rehearing to answer the petition and the petitioner shall have five days to file his reply. Copies of each shall be served on opposing counsel. Oral argument will not be permitted unless ordered by the court on its own motion.

Petitions for rehearing in the Appellate Court shall be governed by the rules of such courts.

UNITED STATES OF AMERICA.

STATE OF ILLINOIS,
Supreme Court, ss:

I, Edward F. Cullinane, Clerk pro tempore of the Supreme Court of the State of Illinois, and keeper of the records and seal thereof, do hereby certify the foregoing to be a true copy of Rule 44 of the Rules of Practice and Procedure adopted by the Supreme Court of the State of Illinois and in effect since November 25, 1941.

Witness: my hand and seal of said Supreme Court, in Springfield, in said State, this 29th day of October, A. D. 1943.

EDWARD F. CULLINANE,
[SEAL.] *Clerk pro tempore.*

United States Statutes Relied Upon.

It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, to any treaty or statute of, or commission held or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied. Nothing in this paragraph shall be construed to limit or detract from the right to a review on a writ of error in a case where such a right is conferred by the preceding paragraph; nor shall the fact that a review on a writ of error might be obtained under the preceding paragraph be an obstacle to granting a review on certiorari under this paragraph.

U. S. C. A. Title 28, Sec. 344, 43 Stat. 937.

Sect. 350. Time for Making Application for Writ of Error, Appeal or Certiorari; Stay Pending Application for Certiorari. No writ of error, appeal or writ of certiorari, intended to bring any judgment or decree before the Supreme Court for review shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree, excepting that writs of certiorari to the Supreme Court of the Phil*l*ip-ine Islands may be granted where application therefor is made within six months. For good cause shown either of such periods for applying for a writ of certiorari may be extended not exceeding sixty days by a justice of the Supreme Court.

U. S. C. A. Title 28, Sec. 350, 43 Stat. 940.

Receipt for Service.

Received a full and complete copy of the foregoing Petition for re-hearing, this 30th day of October, A. D. 1943.

GEORGE F. BARRETT,
Attorney General for the State of Illinois,
Attorney for Respondent.

STATE OF ILLINOIS,
County of Sangamon, ss:

A. M. Fitzgerald, Being first duly sworn, on oath deposes and states that on October 30th, 1943, he caused to be served upon George F. Barrett, Attorney General of the State of Illinois, a full and complete copy of the foregoing petition for re-hearing, which service is evidenced by the above receipt of the Attorney General of Illinois.

A. M. FITZGERALD.

Subscribed and sworn to before me this 30th day of October, A. D. 1943.

NELLIE D. MICHAELS,
Notary Public.